

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

AYMAN S. AMARA,	:	
Plaintiff,	:	Case Nos. 3:08cv00378
		3:08cv00427
vs.	:	
		District Judge Walter Herbert Rice
ATK, INC., <i>et al.</i> ,	:	Magistrate Judge Sharon L. Ovington
Defendants.	:	

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**DECISION AND ENTRY**

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The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #22), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** in full said Report and Recommendations. It is therefore **ORDERED** that:

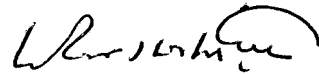
1. The Report and Recommendations filed on August 5, 2009 (Doc. #22) is **ADOPTED** in full;
2. Defendants' Motion to Dismiss (Doc. # 4) is **GRANTED**. By agreement of the parties the following claims are **DISMISSED** with prejudice:
  - a. Plaintiff's claim for age discrimination in its entirety.
  - b. All of the Ohio public policy claims pled by Plaintiff except for Plaintiff's Ohio public policy claim for workers' compensation

retaliation.

- c. All claims against the individual Defendants predicated on Title VII, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and those based on Ohio Revised Code Annotated § 4123.90, or common law public policy that creates a cause of actions for retaliation for participation in Ohio's workers' compensation scheme.
- d. Plaintiff's claim against any or all of the Defendants based on Ohio's criminal falsification statute, Ohio Revised Code Annotated § 2921.13.

2. The Ohio common law public policy claim for workers' compensation retaliation are **DISMISSED** with prejudice, and

3. Claims against Defendants Henderson, Comer, Barber, and Walstrum under Ohio Revised Code § 4112.02 are **DISMISSED** without prejudice to Plaintiff filing an Amended Complaint on or before September 14, 2009.



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Walter Herbert Rice  
United States District Judge